

SELF AUDIT DISCLOSURE REPORT

Facility Name: Constitution High School # 2670
Facility Address: 18 S. 7th Street
Philadelphia, PA 19106

Audit Date: April 4, 2008

Audit Personnel: Alisa Otteni, CPEA, URS Corporation
Brian Joseph, URS Corporation

URS performed an Asbestos Hazard Emergency Response Act (AHERA) Environmental Compliance Audit (audit) at the Constitution High School in accordance with Section IV of the "Self-Audit/Self Disclosure Agreement" between the United States Environmental Protection Agency, Region III (EPA) and the School District of Philadelphia (School District), effective as of March 9, 2007. The focus of the audit was to evaluate compliance with the regulatory programs required by the "Self-Audit/Self Disclosure Agreement." The audit was conducted under the environmental regulations set forth in the "Self-Audit/Self Disclosure Agreement." URS reviewed the following programs, in accordance with the scope in Section IV B of the "Self-Audit/Self Disclosure Agreement":

1. Asbestos Hazard Emergency Response Act (AHERA): (40 CFR Part 763), Subpart E. The Asbestos Audit will determine compliance with Toxic Substances Control Act (TSCA), Subchapter II (the Asbestos Hazard Emergency Response Act or AHERA), 15 U.S.C. §§ 2641 to 2646, and the federal regulations implementing AHERA as set forth at 40 C.F.R. Part 763 Subpart E.

The audit was conducted on behalf of the School District by URS Corporation on April 4, 2008. Approximately ten days prior to the audit, the facility was provided with a tentative audit time schedule and a list of documents to gather for review during the audit.

Findings were also reviewed with regards to the following nine requirements needed in order to satisfy the EPA's Self-Disclosure Policy.

Systematic discovery of the violation through an environmental audit or the implementation of a compliance management system.

Voluntary discovery of the violation was not detected as a result of a legally required monitoring, sampling or auditing procedure.

Prompt disclosure in writing to EPA within 21 days of discovery or such shorter time as may be required by law. Discovery occurs when any officer, director, employee or agent of the facility has an objectively reasonable basis for believing that a violation has or may have occurred. However, the 21 day reporting requirement was waived by the EPA in accordance with this agreement policy (see section IV. C. and IV.D.2 of the agreement).

Independent discovery and disclosure before EPA or another regulator would likely have identified the violation through its own investigation or based on information provided by a third-party.

Correction and remediation within 60 calendar days, in most cases, from the date of discovery.

Prevent recurrence of the violation.

Repeat violations are ineligible, that is, the specific (or closely related) violations have occurred at the same facility within the past 3 years or those that have occurred as part of a pattern at multiple facilities owned or operated by the same entity within the past 5 years; if the facility has been newly acquired, the existence of a violation prior to acquisition does not trigger the repeat violations exclusion.

Certain types of violations are ineligible such as those that result in serious actual harm, those that may have presented an imminent and substantial endangerment, and those that violate the specific terms of an administrative or judicial order or consent agreement.

Cooperation by the disclosing entity is required.

The personnel selected for this project are experienced senior and project level staff that have completed many Environmental Compliance Audits in the past. Ms. Alisa Otteni, CPEA, the lead auditor, has managed more than two hundred multi-media environmental compliance audits throughout the United States. She has been a URS project manager for more than sixteen years. Ms. Otteni was assisted by Mr. Brian Joseph. Mr. Joseph has seven years of experience in environmental testing and inspections. Mr. Joseph is an accredited and licensed AHERA Building Inspector, Supervisor and Management Planner.

The audit included the following:

- Opening meeting with the School Principal;
- Review of documentation pertaining to the scope of the audit;
- Detailed tour of specific site areas, deemed necessary by auditors;
- Closing meeting with the School Principal;

The following the School District staff attended the opening meeting on April 4, 2008:

- Mr. Thomas Davidson, School Principal
- Mr. William Gurzich, Building Engineer

The following the School District staff attended the closing meeting on April 4, 2008:

- Mr. Thomas Davidson, School Principal
- Mr. William Gurzich, Building Engineer

The Constitution High School consists of grades nine to ten and currently has approximately 195 students. This location was initially opened as a school in September 2006.

Review of AHERA documentation was conducted in the Principal's office and the Building Engineer's office. Personnel representing the various departments were interviewed during the record review.

Regulatory findings are presented below. A corrective action plan and associated exhibits are provided in a separate document titled "Self Audit Disclosure Corrective Action Plan."

1.0 ASBESTOS EMERGENCY RESPONSE ACT (AHERA)

The facility was evaluated for compliance with the following regulations:

1. An up-to-date Inspection/Re-inspection schedule that complies with the requirements found at 40 C.F.R. § 763.80;
2. An up-to-date Management Plan that complies with the requirements of 40 C.F.R. § 763.93;
3. A training and periodic surveillance schedule that complies with the requirements found at 40 C.F.R. § 763.92;

4. An Operation and Maintenance plan that complies with the requirements found at 40 C.F.R. § 763.91.
5. A “Designated Person” that complies with the requirements found at 40 C.F.R. § 763.84(g);
6. A plan to provide annual notifications as required 40 C.F.R. § 763.93(g)(4); and
7. A record keeping plan that complies with the requirements found at 40 C.F.R. § 763.94.

FINDING NUMBER: 1 (Management Plan)

Regulatory Citation: 40 CFR § 763.93(a)(2)

Description of Finding: The initial management plan is dated January 2007. This location initially opened as a school in September 2007. For buildings obtained after October 12, 1988 the LEA must submit the plan to the DEP Bureau of Air Quality.

Date of Non-Compliance: 2007

Corrective Action: Submit a copy of the latest management plan to the DEP Bureau of Air Quality for review.

Actions to Prevent Reoccurrence: Maintain accurate up-to-date information regarding buildings that are planned for lease or purchase. Ensure that the DEP Bureau of Air Quality receives a copy of the management plan for all new locations.

Filed For Extension: Yes No

Satisfy the Nine (9) Conditions of Eligibility: Yes No (explain)

FINDING NUMBER: 2 (Re-inspections)

Regulatory Citation: 40 CFR § 763.85(b)(1)(vii))

Description of Finding: The regulations require that the asbestos management plan be updated within 30 days of the Three Year Re-inspection's inspection date. The most recent Re-inspection Report is dated January 2007 and was available for review at the central file and the school building; however it was recently printed / distributed and was not completed within the required 30 day time frame from the inspection date in January 2007.

Date of Non-Compliance: February 2007

Corrective Action: The asbestos management plan records must be updated within 30 days of the actual inspection. This is a historical finding.

Actions to Prevent Reoccurrence: Implement and track the Re-inspection date in a compliance calendar so that the 30 day update can be tracked by personnel in the central office for the next 3 Year Re-inspection in 2009.

Filed For Extension: Yes No

Satisfy the Nine (9) Conditions of Eligibility: Yes No (explain)